Remarks

Claims 2-8, 10-14 and 17-25 are currently pending in the above-captioned matter. Claims 2, 3, 5, 7, 8, 10-14 and 16-25 are rejected. Claims 4, 6 and 7 were indicated as allowable in the Official Action mailed January 17, 2006, claim 12 was indicated as allowable in the Official Action mailed April 19, 2005 and is not the subject of a rejection in the Official Action mailed January 17, 2006. Clarification of the status of claim 12 is hereby requested.

Remarks made herein are based on the claims as amended hereby. In this amendment, claims 11, 13, 14, 17, 21, 22 and 25 have been amended. Claims 8-10 and 15-16 are cancelled.

Objections to the Claims

Claims 8, 10, 13 and 14 were objected to as not further limiting the subject matter of the independent claim. Applicant submits that the objection has been obviated by the cancellation of claims 8 and 10 and the amendment of claims 13 and 14 are hereby.

35 USC §112 Rejections

Claims 14 and 17-22 were rejected as vague and indefinite due to the lack of indication in the claims whether the ratios recited therein were weight, volume or molar etc. Applicant submits that the objection has been obviated by amendment of the claims hereby.

35 USC §103 Rejections

Claims 8, 10, 13 and 14 were rejected as obvious over Seaman, Jr. (the '469 patent). Applicant submits that the rejection has been obviated by the cancellation of claims 8 and 10 and the amendment of claims 13 and 14 hereby.

Claims 2, 3, 5 and 11 were rejected as obvious over WO 01/00765 (the '765 publication). This rejection is respectfully traversed with respect to the claims as

amended. The '765 publication is directed to an effervescent laundry detergent, comprising a variety of materials, of which phenol alkoxylates comprise only a small, and optional, percentage (up to 10%, see page 10, line 23 - 25). This is not Applicant's invention. Claim 11, and its dependent claims are directed to a concentrate which requires 75-90 wt% of an alkoxylated aromatic alcohol. As discussed in the specification, this alcohol is being used as a low VOC solvent, in solvent quantities, not as a surfactant:

> It is generally preferred to avoid alkyl substituents longer than 4 carbon atoms, since the resulting alkoxylated aromatic alcohols typically are surfactants. The use of alkoxylated aromatic alcohols permits the formulation of coating removal compositions having a low VOC (Volatile Organic Compound) content is preferred, as such alcohols are considerably less volatile than the aliphatic alcohols, glycol ethers, and other solvents typically used in such products but provide cleaning solutions that are very effective in removing paint from substrate surfaces. See, specification, paragraph [0015] and [0016].

Laundry detergents typically use builders for cleaning and small amounts of surfactant to aid removal of oily soils, not in sufficient quantities to act as solvents for paint. There is not teaching or suggestion in the '765 publication to use alkyl phenol alkoxylates in the large quantities found in Applicant's claim 11, and no motivation to do so. As such, the rejection of claims 2, 3, 5 and 11 under 35 USC §103 should be withdrawn.

Claims 8, 10, 13, 14, 17, 19-22, 24 and 25 were rejected as obvious over Kubota et al (the '629 patent). Applicant submits that the rejection of claims 8, 10, 13 and 14 has been obviated by the cancellation of claims 8 and 10 and the amendment of claims 13 and 14 hereby. With regard to independent claims 17 and 22, and the claims dependent thereon, Applicant respectfully traverses the rejection.

The '629 patent is directed to a foamy detergent for cleaning cooking oils from kitchens. It is not directed to paint removal. The '629 patent discloses a) a mixture of polyoxyethylene monophenyl ethers and b) an alkali agent which can be ammonia and/or alkanolamine. There is no teaching or suggestion of ethoxylated unsubstituted benzyl alcohol as required in claim 17. The '469 patent fails to remedy the defects of the '629 patent where it teaches only ethoxylated alkyl phenols. There is no teaching or suggestion in the references that would have motivated one of ordinary skill in the art to

use ethoxylated unsubstituted benzyl alcohol at the time the invention was made. As such the rejection of claim 17, and the claims depending therefrom, under 35 USC §103 should be withdrawn.

Likewise, the rejection of claim 22, and the claims depending therefrom, under 35 USC §103 should be withdrawn where the '629 patent and the '469 patent provide no teaching or suggestion of the combination of an alkali metal base with an amine, and no teaching of a composition having a pH of about 11 to about 14. The '629 patent is directed to cleaning oily soils and recites an alkali agent which can be ammonia and/or alkanolamine, but is silent regarding the pH of the composition.

The '469 patent is directed to a cleaner composition that will not freeze comprising C2-3 alcohol, which is volatile, ethoxylated alkyl phenols and an alkaline compound. The alkaline compound may be an alkali metal base or an alkanolamine, but the '469 patent does not teach a combination of alkali metal base and alkanolamine. Like the '629 patent, the '469 patent is silent regarding the pH desired. With such broad amounts of alkaline substances recited by both references, Applicant submits that the references do not unambiguously teach one of skill in the art a pH of about 11 to 14.

Neither patent is directed to removing dried and/or cured paint, which is Applicant's use. Claim 22 recites particular amounts of an amine and an alkali metal base that are useful in removing dried paint. The references teach only general amounts of an "alkali agent" or an "alkaline compound". There is no teaching of the relative amounts of alkali metal base and amine. One of ordinary skill in the art, reading the '629 patent in view of the '469 patent would find no suggestion of the desirability of Applicant's particular amount of amine combined with the particular amount of alkali metal base. The rejection of claim 22, and the claims depending therefrom, under 35 USC §103 should be withdrawn.

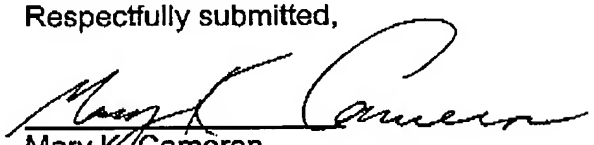
Claims 18 and 23 were rejected as obvious over Kubota et al (the '629 patent) in view of Seaman, Jr. (the '469 patent) and are submitted to be patentable for the same reasons as recited above for claims 17 and 22.

SN: 10/660,030
Art Unit: 1751

Conclusion

Applicants request reconsideration in view of the amendments and remarks contained herein. The Commissioner is hereby authorized to charge any fee required for entry of this amendment to Deposit Account No. 01-1250. Applicants submit that the claims are in condition for allowance and a notice to that effect is respectfully requested. Should the Examiner have any questions regarding this paper, please contact the undersigned.

Respectfully submitted,



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